

# Wetlands Bureau Decision Report

Decisions Taken  
03/09/2009 to 03/15/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2006-01866                      PRICE SR, DAVID & ESTHER**  
**HOPKINTON   Contoocook River**

### Requested Action:

Deny reconsideration as the request for reconsideration was received after the 30 day appeal period.

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### DENY RECONSIDERATION:

Impact a total of 1015 square feet along 135 linear feet of riverbank of the Contoocook River, further described as follows: Retain 570 square feet of existing rip rap and plantings along 75 linear feet of frontage and rip rap and plant an additional 60 linear feet of riverbank in two locations for new impacts of 445 square feet.

### With Conditions:

1. All work shall be in accordance with plans by The Louis Berger Group dated May 2008 and revised through December 9, 2008, as received by the Department on December 9, 2008.
2. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the construction and plantings areas are constructed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
7. Work shall be done during low flow.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. No equipment shall enter the water.
10. All work shall be done from the top of the bank.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
17. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
19. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
20. The project area shall be properly constructed, monitored, and managed in accordance with approved plans.

21. Wetland bank areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning bank areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
24. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

The Department reaffirms findings 1-11 of the original approval:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i); Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks. For intermittent streams, the distance shall be measured along the thread of the channel.
2. The stream bank is failing and the existing structure is in jeopardy.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant received an Emergency Authorization dated July 27, 2006 to rip rap 50 linear feet of riverbank with no impacts to the river channel.
5. The applicant installed 75 linear feet of rip rap reaching approximately 5 feet out into the channel.
6. The applicant vegetated the upper bank above the existing rip rap.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
9. The proposed rip rap does not reach any further into the channel than the existing retaining wall.
10. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.
11. Retaining the rip rap that reaches into the channel will not alter the natural flow characteristics of the river or segment or adversely affect the resources for which the river or segment is designated.

The Department makes the following additional finding:

12. The request for reconsideration was received on February 9, 2009, this was 33 days after the date of the decision, and outside of the appeal period set by RSA 482-A:10II.

**2008-02199**

**MANCHESTER SCHOOL DEPT, JEWETT ELEMENTARY SCHOOL**

**MANCHESTER Unnamed Wetland Unnamed Stream**

Requested Action:

Proposal to dredge and fill approximately 7,635 sq. ft. wetlands and 1,240 linear ft. of intermittent stream (includes 4,810 sq. ft. of wetland restoration and 1,165 linear ft. of stream channel restoration and relocation) to install new drainage improvements, remove accumulated sediments and debris and restore a historically impacted intermittent stream. Work consists of installation of new stormwater catch basin and sump structure with associated RCP drain pipes, headwalls and rip-rap outlet protection at the south end of Woodgate Court and rip-rap inlet protection at the 54 in. RCP drain culvert at Southside Middle School. Stream restoration and realignment consists of removal of accumulated sediment and debris, creation of a new 6 ft. wide x 1,165 linear ft. stream channel with 2:1 slope banks created in the existing stream and adjacent wetlands and uplands, using 16 in. coir fascine, erosion blankets, loaming, seeding and planting. Portions of the banks, restored wetlands and created wetlands will be planted with a combination of native, trees, shrubs, tubelings and herbaceous plugs.

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APPROVE PERMIT:

Dredge and fill approximately 7,635 sq. ft. wetlands and 1,240 linear ft. of intermittent stream (includes 4,810 sq. ft. of wetland restoration and 1,165 linear ft. of stream channel restoration and relocation) to install new drainage improvements, remove

accumulated sediments and debris and restore a historically impacted intermittent stream. Work consists of installation of new stormwater catch basin and sump structure with associated RCP drain pipes, headwalls and rip-rap outlet protection at the south end of Woodgate Court and rip-rap inlet protection at the 54 in. RCP drain culvert at Southside Middle School. Stream restoration and realignment consists of removal of accumulated sediment and debris, creation of a new 6 ft. wide x 1,165 linear ft. stream channel with 2:1 slope banks created in the existing stream and adjacent wetlands and uplands, using 16 in. coir fascine, erosion blankets, loaming, seeding and planting. Portions of the banks, restored wetlands and created wetlands will be planted with a combination of native, trees, shrubs, tubelings and herbaceous plugs.

With Conditions:

1. All work shall be in accordance with plans and narratives by Camp Dresser & McKee Inc., plan sheets numbered C-1 through C-4 dated September 2008 and narratives dated October 1, 2008 with attachments, as received by DES on October 10, 2008 and plan "Figure 1" dated February 2009 and revised narrative dated February 13, 2009, as received by DES on February 24, 2009.
2. The applicant's agent and New Hampshire Certified Wetland Scientist ("CWS") shall monitor the project during construction to assure the work is constructed in accordance with the approved plans and narratives and to assure no turbidity leaves the work area.
3. Work shall be done during no or low flow conditions.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
12. Extreme precautions shall be taken within riparian areas and adjacent upland forest to limit unnecessary removal of vegetation during construction.
13. Equipment shall not enter flowing water.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. All dredge spoils and debris shall be properly handled and disposed (i.e., comply with all applicable laws regarding disposal of waste).
17. All proposed plantings shall have at least 75% successful establishment after two (2) growing seasons, or shall be replanted and re-established (where needed) until replicated in a manner satisfactory to the DES Wetlands Bureau.
18. Restored and created wetlands areas shall be successful (i.e., adequate surface elevation to create/maintain hydrology for the formation of hydric soils and maintenance of native wetlands vegetations) or it shall be replanted and re-established (where needed) until replicated in a manner satisfactory to the DES Wetlands Bureau.
19. Post-construction monitoring reports documenting the status of the project with photographs shall be prepared and submitted by the agent (CWS) to the Wetlands Bureau within 60 days of the completion of construction and after each of the following two growing seasons.
20. Any needed remedial actions shall be identified within the reports.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

24. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

25. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

26. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

27. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

28. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

29. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The project is needed to improve existing drainage infrastructure, alleviate localized flooding, remove accumulated sediments and debris and restore a stream channel. Additionally, the work will help reduce sediments loads to down stream waters such as Nutts Pond.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

6. The project will help improve/remove the historic man-made and storm event impacts within the stream.

7. The applicant has provided agreements from affected landowners where portions of the work will be conducted.

8. There were no rare, threatened or endangered plants or exemplary natural communities known to be identified on the site according to documentation from the NH Natural Heritage Bureau ("NHB").

9. The New Hampshire Fish and Game Department did not submit comments to the department regarding the proposed project.

10. The applicant provided documentation from the United States Fish and Wildlife Service ("USFWS") that no federally-listed or proposed, threatened or endangered species or critical habitat under USFWS jurisdiction are known to occur in the project area.

11. On November 12, 2008, the department received documentation from the US Environmental Protection Agency ("EPA") that the project is eligible for the NH Programmatic General permit process.

12. DES has not received any comments from the Manchester Conservation Commission regarding the project.

13. The main function of the existing intermittent stream/drainage channel is to convey storm flows from closed drainage at the south end of Woodgate Court to the inlet of closed drainage on the adjacent Southside Middle School property to the south.

14. The existing stream channel appears to be a historically impacted intermittent stream that is often dry and contains 2 to 3 foot thick layer of accumulated sediments, and debris and garbage.

15. The proposed project utilizes a combination of stabilization methods including new drainage structures, rip-rap inlet and outlet protection, coir fascines, matting, loaming, seeding and plantings with tubelings, shrubs and trees.

16. The proposed project includes restoration and creation of wetlands.

17. The proposed project complies with the purpose of the mitigation rules, Env-Wt 801.01 as the functions and values impacted will be replaced through project completion.

18. DES has not received any comments in opposition to the project.

19. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine and palustrine resource, as identified under RSA 482-A:1.

Requested Action:

Install approximately 119 feet of rip rap and approximately 135 feet of coir logs within Ossipee Lake, in Ossipee.

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Conservation Commission/Staff Comments:

No Con Com comments by 03/13/09

DENY PERMIT:

Install approximately 119 feet of rip rap and approximately 135 feet of coir logs within Ossipee Lake, in Ossipee.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. In accordance with RSA 482-A:11,II, "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."
3. In accordance with Env-Wt 402.18 "Ownership, (a) An applicant for a shoreline structure defined as major shall be the owner in fee of the affected frontage, unless the applicant has leased the property from the state pursuant to RSA 228:57-a".
4. This project is classified as a major impact per Rule Env-Wt 303.02(h), "projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank".

Findings of Fact

5. The state retains ownership of all land below elevation 410 as part of Ossipee Lake.
6. On July 03, 2008, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Ossipee tax map 39, lots 12, to install approximately 119 linear feet of rip rap and approximately 135 linear feet of coir logs adjacent to Ossipee Lake, in Ossipee.
7. The proposed rip rap and the proposed coir logs are located below elevation 410.
8. The Applicant does not retain ownership of the property where the proposed rip rap and proposed coir logs are to be installed.

Rulings in Support of Denial

9. The Applicant is proposing to install rip-rap and coir logs on land the Applicant does not own. Therefore, in accordance with RSA 482-A:11 and Env-Wt 402.18, the project is denied.

MINOR IMPACT PROJECT

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**2008-00054                      GOULD, STEVEN**  
**CROYDON   Unnamed Stream**

Requested Action:

Dredge and fill  $\pm$  718 sq. ft. (60 lin. ft.) of unnamed perennial stream impact for installation of two 30-inch x 30-foot CMP culverts (two separate driveway crossings along the same stream) for driveway access to a two-lot subdivision on  $\pm$  14.80 acres.

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APPROVE PERMIT:

Dredge and fill  $\pm$  718 sq. ft. (60 lin. ft.) of unnamed perennial stream impact for installation of two 30-inch x 30-foot CMP culverts (two separate driveway crossings along the same stream) for driveway access to a two-lot subdivision on  $\pm$  14.80 acres.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated November 28, 2007, and revised through February 12, 2009, as received by the Department on February 13, 2009, and Subdivision Plans by Pennyroyal Hill Land Surveying & Forestry, LLC dated October 17, 2007, as received by the Department on January 1, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. Work shall be done during annual low flow.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. There shall be no excavation or operation of construction equipment in flowing water.
12. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Culverts shall be laid at original grade.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. Culverts must maintain the natural and a consistent streambed elevation and not impede stream flow.
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
27. A post-construction report documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. In correspondence dated December 17, 2007, the Natural Heritage Bureau (NHB) indicated the project site was in the area flagged for possible impact on the state endangered brook floater (*Alasmodonta varicosa*).
3. In email correspondence dated April 09, 2008, the NHFG Nongame and Endangered Species Program stated, "Although the culverts may not warrant open-bottomed or box...they certainly should be upgraded to maintain water quality downstream for the state endangered brook floater mussel and to provide passage for aquatic organisms. We prefer that smooth bore plastic culvert be avoided in favor of CMP or RCP."
4. A drainage analysis has been submitted confirming the proposed 30-inch culverts will pass a 25-year storm.
5. The Applicant's Agent has confirmed the average perennial stream width is 2 feet.
6. A shared driveway or road alternative is not feasible given the 30 to 50% grade drop between the two lots.
7. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining lot as required by Env-Wt 304.09(a).
8. In correspondence dated September 12, 2008, the Applicant's Certified Wetland Scientist stated, "I have verified there are no wetlands crossings to the site."
9. The Applicant's Certified Wetlands Scientist submitted a USGS Topographical Maps and National Wetland Inventory Map.
10. The Certified Wetland Scientist stamped the submitted subdivision and detail plans.
11. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
12. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
13. DES Staff conducted a field inspection of the proposed project on November 11, 2008.
14. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
15. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
16. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01898                      EXETER RIVER LANDING**  
**EXETER   Exeter River**

Requested Action:

Restore 570 square feet (30 linear feet) of bank along the Exeter River that had eroded during the 2006 spring floods creating a sink hole by stabilizing the area with a combination of riprap, enviro mat and vegetation.

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Conservation Commission/Staff Comments:

No comments were received from the Exeter Conservation Commission.

APPROVE PERMIT:

Restore 570 square feet (30 linear feet) of bank along the Exeter River that had eroded during the 2006 spring floods creating a sink hole by stabilizing the area with a combination of riprap, enviro mat and vegetation.

With Conditions:

1. All work shall be in accordance with plans and supplemental information received by DES on February 6, 2009.
2. DES staff shall be notified in writing prior to commencement of work. Upon completion of work, DES shall receive labeled photographs mounted on 8.5-inch x 11-inch describing the performed work.
3. There shall be no further alteration of jurisdictional areas for lot development or for any other construction related activities.
4. Work shall be done during seasonal low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.



6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All work shall be performed by hand only.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. This particular area sustained heavy erosion as a result of the 2006 spring floods leaving a sink hole within the bank of the Exeter River, therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The work will be performed by hand, therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 28, 2007. Field inspection determined that the area could be restored and stabilized using a combination of riprap, jute matting, and vegetation.
6. A memo from the NH Natural Heritage Bureau ("NHNHB") dated October 14, 2008, identified one state-listed Endangered invertebrate species, Brook Floater (*Alasmidonta varicosa*), within the vicinity of the project.
7. DES finds that the NHNHB above-referenced species will not be adversely affected as a result of this project as the stabilization and planting will enhance the species habitat by providing shade, effectively controlling runoff and retaining sediment.

**2008-02139                      LOCH LYME LODGE INC, LIZ RYAN COLE**  
**LYME   Post Pond**

Requested Action:

Repair 132 ft of existing retaining wall, impact 1400 sq ft to construct a 890 sq ft perched beach with three 3 ft x 6 ft access ramps to the waterbody, remove a 6 ft wide stone step and install a 6 ft wide stairway over the bank, on an average of 1,593 ft of frontage on Post Pond, in Lyme.

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Conservation Commission/Staff Comments:

Con Com signed Exp Applicaiton, however re-classified as a major/minor project because of dock and beach.

APPROVE PERMIT:

Repair 132 ft of existing retaining wall, impact 1400 sq ft to construct a 890 sq ft perched beach with three 3 ft x 6 ft access ramps to the waterbody, remove a 6 ft wide stone step and install a 6 ft wide stairway over the bank, on an average of 1,593 ft of frontage on Post Pond, in Lyme.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers as revised January 08, 2009, and received by DES on January 20, 2009.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. This approval does not authorize any work related to docking facilities or docking structures on the frontage, nor shall it in any way imply that DES approves the docking facilities or docking structures shown on the plans submitted.
4. Work shall be done during drawdown.
5. Area shall be regraded to original contours following completion of work.
6. Repairs shall maintain existing size, location and configuration.

7. The retaining wall shall be maintained landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(f), construction or replenishment of a beach that does not exceed the criteria in Env-Wt 303.04(d) or the criteria in Env-Wt 303.04(aa).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02219                      DROHAN, JOSEPH & NANCY**  
**WILTON   Unnamed Pond Stream**

Requested Action:

Temporarily impact 185 sq. ft. of intermittent stream and pond to replace a 15-inch x 50-foot CMP pond outlet culvert with a 24-inch x 50-foot HDPE culvert and install rounded stone at culvert outlet.

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APPROVE PERMIT:

Temporarily impact 185 sq. ft. of intermittent stream and pond to replace a 15-inch x 50-foot CMP pond outlet culvert with a 24-inch x 50-foot HDPE culvert and install rounded stone at culvert outlet.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 26, 2008, and revised through January 05, 2009, as received by the Department on January 08, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent on approval by the DES Dam Safety Program.
4. Work shall be done during annual low flow conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. This permit is contingent on DES Dam Bureau approval.
3. The DES Watershed Management Bureau has confirmed approval from their Bureau is not required for this project.
4. The Conservation Commission signed the Minimum Impact Expedited Application.
5. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present, received October 31, 2008.
7. The pond was constructed prior to 1953 and the pond was dredged and culvert installed with assistance from the USDA Soil Conservation Service/Hillsborough County in 1963.
8. The replacement culvert will be set at the same inlet elevation of the existing culvert so the water level in the pond and wetland will not change.
9. In correspondence received February 09, 2009, the Agent stated, "The new culvert is sized the same as the down gradient culvert (24" RCP) under Dale Street so there will not be an increased flooding hazard down stream."
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02271                      SAINT-GOBAIN ABRASIVES INC, KEVIN FORGARTY**  
**LITTLETON   Unnamed Wetland Unnamed Stream**

Requested Action:

Propose to dredge and fill 3290 square feet of wetlands and rip rap ~90 ft. of Baker Brook and ~35 ft. an un-named intermittent stream for capping of a landfill; temporarily impact 362 sq. ft. of wetlands to build temporary access to the landfill.

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APPROVE PERMIT:

Dredge and fill 2690 square feet of wetlands and rip rap 50 linear feet of Baker Brook for capping of a landfill. Work in wetlands consists of waste removal, landfill capping and 50 linear feet rip rap.

With Conditions:

1. All work shall be in accordance with the plans by Horizons Engineering, LLC as follows: Existing Conditions (sheet 2 of 6) dated July 2008, as received by DES January 23, 2009; Proposed Grading Site Plan (sheet 3 of 6) revised January 16, 2009, as received by DES January 23, 2009; Cross Sections Station 0+00 to Station 1+25(sheet 4 of 6) revised February 11, 2009, as received by DES February 11, 2009; Cross Sections Station 1+25 to Station 2+50 (sheet 5 of 6) revised January 16, 2009, as received by DES January 23, 2009; Erosion Control Notes and Details (sheet 6 of 6) revised January 16, 2009, as received by DES January 23, 2009.
2. This permit is contingent on approval by the DES Waste Management Division.
3. Work shall be done during low flow.
4. The proposed temporary bridge shall span Baker Brook as depicted on the approved plans and narratives, shall be removed at the completion of work and all associated temporary impacts shall be restored "in-kind".
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation are to be revegetated within three days of the completion of this project.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredging shall not disturb contaminated layers of sediment, unless specifically identified and permitted with protective conditions.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
18. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts are needed for work related to capping a land fill and covering the entire footprint of the solid waste.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The rip-rap will be vegetated.
7. Project revisions removed the rip rap from the channel of Baker Brook, and reduced the amount rip rap and wetland impact area.
8. Project revisions replaced the culverts with a temporary bridge that will span the brook and wetlands. The temporary bridge will not result in impacts to jurisdictional areas.
9. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Littleton Conservation Commission.

**2008-02333**                      **CONCORD, CITY OF**  
**CONCORD**   **Merrimack River**

Requested Action:

Install a 10 ft x 60 ft floating seasonal wharf accessed by a 6 ft x 50 ft seasonal gangway, replace 56 linear feet of retaining wall and stabilize the existing bank with vegetation to maintain and upgrade municipal recreational and athletic facilities along the Merrimack River, in Concord.

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Conservation Commission/Staff Comments:

No comments from Con Com by 12/23/08

LRAC submitted comments to the file

APPROVE PERMIT:

Install a 10 ft x 60 ft floating seasonal wharf accessed by a 6 ft x 50 ft seasonal gangway, replace 56 linear feet of retaining wall and stabilize the existing bank with vegetation to maintain and upgrade municipal recreational and athletic facilities along the Merrimack River, in Concord.

With Conditions:

1. All work shall be in accordance with plans by Golde Planning and Design, Inc. revision dated February 11, 2009, as received by DES on February 20, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only docking structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 15 feet from the reference line.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow.
8. This permit does not allow for any impacts to the bank other than those indicated on the approved plan.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 23, 2008. Field inspection determined proposed project was the least impacting alternative to provide access to the river for large rowing shells.
6. The applicant has an average of 435 feet of shoreline frontage along the Merrimack River.
7. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
9. The proposed project will directly benefit the public and as such the criteria of Rule Env-Wt 204.04, Criteria, for a waiver of Rule Env-Wt 402.02, Dimensions, has been met.

**2008-02648**                      **FRANKLIN, CITY OF**  
**FRANKLIN Webster Lake & Chance Pond Brook**

Requested Action:

Upgrade and replace an existing 294 sq ft 12 ft x 24.5 ft concrete boat ramp by constructing a 336 sq ft 12 ft x 28 ft boat ramp, regrading the existing access way and bank, removing existing concrete blocks from the channel, constructing and planting a berm, and replacing the existing 5 ft x 18 ft footbridge with a 7 ft 6 in x 18 ft footbridge on 115 ft of frontage on Webster Lake, in Franklin.

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Conservation Commission/Staff Comments:

Con Com submitted a letter with 2 concerns for the proposed project.

APPROVE PERMIT:

Upgrade and replace an existing 294 sq ft 12 ft x 24.5 ft concrete boat ramp by constructing a 336 sq ft 12 ft x 28 ft boat ramp, regrading the existing access way and bank, removing existing concrete blocks from the channel, constructing and planting a berm, and replacing the existing 5 ft x 18 ft footbridge with a 7 ft 6 in x 18 ft footbridge on 115 ft of frontage on Webster Lake, in Franklin.

With Conditions:

1. All work shall be in accordance with plans by Provan and Lorber sheet c1.2 revision dated February 11, 2009, as received by DES on February 12, 2009 and sheet c2.1 and sheet c2.2 dated October 2008, as received by DES on December 04, 2008.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work shall be done during drawdown.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Webster Lake.
12. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
13. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
14. The boat ramp shall be utilized indefinitely as a public access to Webster Lake and shall not change in use.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed realignment of the boat ramp will provide for a safer launching and recovery of boats away from the currents associated with Chance Pond Brook.
6. The expanded foot bridge will allow handicap access to the public beach and boat ramp from the handicap parking area.
7. The applicant submitted plans which address all of the local Conservation Commission concerns with the original proposal.

**2009-00158                      NH DEPT OF TRANSPORTATION**  
**LEBANON   Connecticut River**

**Requested Action:**

Construct a temporary bridge by installing a temporary causeway, two piers and a trestle impacting 13,251 sq. ft. (12,546 sq. ft. temporary) of riverine wetlands and banks.

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**Conservation Commission/Staff Comments:**

Conseravtion Comm. approves and requests to comment if amended.

Conn. River Joint Commissions notes their strong support.

**APPROVE PERMIT:**

Construct a temporary bridge by installing a temporary causeway, two piers and a trestle impacting 13,251 sq. ft. (12,546 sq. ft. temporary) of riverine wetlands and banks. NHDOT project #14957A.

**With Conditions:**

1. All work shall be in accordance with plans by NHDOT Bureau of Environment dated 1/09, as received by the Department on Jan. 30, 2009.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau prior to any construction. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04 and shall be received prior to any construction.
4. All vegetation root systems shall remain in place where there are temporary impacts.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
19. The impacts associated with the temporary work shall be restored as soon as practicable following construction.
20. Impacts to vegetation in the temporary impact areas are limited to cutting and shall not be dredged or filled.
21. The work trestle shall be a temporary bridge type structure and not a causeway in the river.
22. The temporary causeway shall be removed within two weeks of the temporary pier construction.
23. This permit is contingent on the approval of a NHDES Shoreland Protection permit.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of bank and channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The 705 sq. ft. of permanent impact is due to the possibility that the easterly pier might only be removed down to the level of the channel bottom after the temporary bridge is removed.
6. The temporary bridge is expected to be in place for three years
7. A review of the project relative to impaired waters finds all work is temporary and will have no additional loading or change in use.
8. The Lebanon Conservation Commission letter received on Feb. 11, 2009 requested to intervene on the application.
9. The information from the US Fish and Wildlife Service indicates no concern with endangered species located approximately 2 miles downstream.
10. The information from the NH Fish and Game Dept. notes no concerns.
11. The letter received on Feb. 26, 2009 from the Conn. River Joint Commissions included their strong support and suggested the temporary bridge be retained and reduced in size later to accommodate bicycle and pedestrian traffic along with suggestions on the new bridge replacement.
12. On March 9, 2009, a letter was received from the Conservation Commission recommending approval and further review if the permit is amended.

**2009-00193**

**SAU 29 MARLBOROUGH SCHOOL DISTRICT**

**MARLBOROUGH Minnewawa Brook**

Requested Action:

Dredge and fill 635 sq. ft. of Minnewawa Brook and palustrine emergent wetlands for construction of the proposed elementary school in Marlborough and to upgrade an existing town road.

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APPROVE PERMIT:

Dredge and fill 635 sq. ft. of Minnewawa Brook and palustrine emergent wetlands for construction of the proposed elementary school in Marlborough and to upgrade an existing town road.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates, Inc. dated January 16, 2009, as received by the DES on February



04, 2009, and March 11, 2009.

2. This permit is contingent upon the receipt of photographs without snow cover clearly illustrating impact areas prior to construction or a construction report documenting the status of construction of the Minnewawa Brook impact areas to be submitted to the DES Wetlands Bureau 15 days after the completion of construction of each impact area.
3. Work shall be done during annual low flow conditions.
4. The stream diversion plan shall be submitted to the DES prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Culverts shall be laid at original grade.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid and faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. A post-construction report documenting the status of completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. On December 1, 2008, The DES Shoreland Protecting Program issued a letter stating, "Based on information submitted on November 21, 2008, the project in question meets the requirements of Env-Wq 1406.03 (c) Exemption for Vested Rights and construction of the proposed school and associated accessory structures as indicated on a site plan dated October 8, 2008 and submitted to DES will not require a shoreland permit."

3. DES Alteration of Terrain Bureau approval was issued on 02/20/2009, WPS-8354.
4. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
5. The applicant has received written consent from the owners of lots on which project activities will take place and also occur within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

#### MINIMUM IMPACT PROJECT

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**2008-01800                      NH DEPT OF TRANSPORTATION**  
**PORTSMOUTH   Hodgson Brook**

#### FORESTRY NOTIFICATION

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**2009-00384                      SPAULDING FAMILY TRUST, ROBERT S WALLACE TTEE**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 412, Lot# 1 & 4

**2009-00403                      LEIKAUSKAS, ROBERT**  
**WARREN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warren Tax Map 12, Lot# 47 & 50

**2009-00404                      DAHLE, FRANCIS**  
**ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Alton Tax Map15, Lot# 49 & 52

**2009-00405                      HASEY, SYLVIA**  
**BRADFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bradford Tax Map 5, Lot# 64

**2009-00407                      CONCORD, CITY OF**  
**CONCORD   Unnamed Stream**

**COMPLETE NOTIFICATION:**

Concord Tax Map 96, Lot# 11 Winant Park

**EXPEDITED MINIMUM**

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**2008-01905                      WASHINGTON, TOWN OF**  
**WASHINGTON   Mill Pond & Beards Brook**

**Requested Action:**

Dredge and fill ± 1,000 sq. ft. of Beards Brook, Mill Pond and wetlands for proposed stormwater treatment improvements.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Dredge and fill ± 1,000 sq. ft. of Beards Brook, Mill Pond and wetlands for proposed stormwater treatment improvements.

**With Findings:**

1. A request for additional information dated October 10, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
9. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-01907                      LANGDON, TOWN OF**  
**LANGDON   Unnamed Stream**

**Requested Action:**

Dredge accumulated sediment and debris in an unnamed intermittent stream channel and remove vegetation from banks.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Dredge accumulated sediment and debris in an unnamed intermittent stream channel and remove vegetation from banks.

**With Findings:**

1. A request for additional information dated October 30, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00025                      126 HARBOR ROAD REALTY TRUST**  
**RYE   Tidal Buffer, Atlantic Ocean & Rye Harbor**

Requested Action:

Permanently impact 546 square feet within the previously developed 100-foot tidal buffer zone to place the existing single family residential dwelling on a concrete foundation with approximately 5-foot frost walls and remove the existing subsurface septic system of unknown size and replace with a sealed 1000 gallon holding tank.

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Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

Inspection Date: 03/10/2009 by Eben M Lewis

APPROVE PERMIT:

Permanently impact 546 square feet within the previously developed 100-foot tidal buffer zone to place the existing single family residential dwelling on a concrete foundation with approximately 5-foot frost walls and remove the existing subsurface septic system of unknown size and replace with a sealed 1000 gallon holding tank.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated November 2008, as received by DES on January 7, 2009.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no further alteration of jurisdictional areas for lot development, driveways, or for any other construction related activities.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 48.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The applicant proposes to raise the existing dwelling above flood elevation in accordance with the U.S. Federal Emergency Management Agency and remove the antiquated septic system, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The footprint of the existing dwelling will remain unchanged. Failure of the existing antiquated septic is imminent and will be replaced with a holding tank, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed impacts are within 20-feet of two (2) abutting property boundaries. More specifically, the impacts will occur within 20-feet of the Mittelman property (Rye Tax Map 9.2 Lot 14) and the Foss property (Rye Tax Map 92 Lot 12).
6. In accordance with Env-Wt 304.04(a) the applicant sent certified mail receipt/return receipt to both of the aforementioned abutters on February 4, 2009 requesting concurrence with the proposed impacts.

7. To date, neither the agent nor DES has received the requested concurrences. Furthermore, DES has not received any comments from either abutter speaking for or against the proposed impacts.
8. As a result, the applicant requests to waive Env-Wt 304.04(a) in accordance with Env-Wt 204.03.
9. On March 10, 2009, DES personnel inspected the property and finds that the proposed project will not adversely affect the abutting properties.
10. DES hereby waives Env-Wt 304.04 pursuant to Env-Wt 204.04(a) granting the request will benefit the environment or natural resources of the state, public health, or public safety as a holding tank with replace an antiquated septic system. Strict compliance will cause an operational or economic hardship to the applicant as the applicant will be required to continually repair the structure without a permanent solution.

**2009-00302                      SMITH, GARY & MARIANNE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Replace two top supporting beams on an existing crib supporting a 22 ft x 30 ft docking structure on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace two top supporting beams on an existing crib supporting a 22 ft x 30 ft docking structure on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Justin Caldon, as received by DES on February 23, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any structures represented as "existing" were not previously permitted or grandfathered in their current configuration.
4. The repairs shall maintain the size, location, and configuration of the pre-existing structures.
5. This permit does not allow for dredging for any purpose.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

## AGRICULTURE MINIMUM

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**2008-02528                      OUTHOUSE, DAVID**  
**GREENLAND   Unnamed Wetland**

### Requested Action:

Impact a total of 48,795 square feet of jurisdictional wetland to include: 30,580 square feet of impact for the construction of an irrigation pond; 16,875 square feet of impact for the maintenance dredge of 675 linear feet of ditch line; and, 1,340 square feet of impact to install a stream crossing including a culvert, headwalls, and riprap apron.

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### APPROVE PERMIT:

Impact a total of 48,795 square feet of jurisdictional wetland to include: 30,580 square feet of impact for the construction of an irrigation pond; 16,875 square feet of impact for the maintenance dredge of 675 linear feet of ditch line; and, 1,340 square feet of impact to install a stream crossing including a culvert, headwalls, and riprap apron.

### With Conditions:

1. All work shall be in accordance with the following plans:
  - a.) The Conservation Practice Design for Stream Crossing Plan by USDA NRCS dated September 2008 and received by DES on November 24, 2008;
  - b.) The Open Ditch Plan received by DES on November 24, 2008; and,
  - c.) The Conservation Practice Design for Pond Plan by USDA NRCS dated September 2008 and revised January 2009 received by DES on February 17, 2009
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u); Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The application was signed by the Rockingham County Conservation District.

## GOLD DREDGE

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**2009-00381**                      **BASNAR, DOUGLAS**  
**(ALL TOWNS) Unnamed Stream**

**2009-00382**                      **WOODWARD JR, WILLIAM**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00383**                      **AMATO, VINCENT**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00406**                      **ABBOTT, GERALD**  
**(ALL TOWNS) Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

## PERMIT BY NOTIFICATION

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**2008-01903**                      **DM BAKER REAKTY LLC**  
**EAST KINGSTON Unnamed Wetland**

With Findings:

1. DES received the file on September 15, 2008 and the file was deemed administratively incomplete as the NHB was not in the application.
2. DES never received the NHB information, therefore the PBN is denied.

**2008-02142**                      **IVERSON, BARBARA SWAN**  
**WARNER Unnamed Pond**

Requested Action:

Disqualify permit by notification to dredge 3,715 sq. ft. of an existing pond.

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PBN DISQUALIFIED:

Dredge 3,715 sq. ft. of an existing pond.

With Findings:

1. A notice of incompleteness dated October 10, 2008, addressed to the applicant or agent of record, clearly identified the applicant is required to submit additional information to DES within 20 days of the notice.
2. Pursuant to Env-Wt 506.02(g), if the requested additional information is not received by DES within 20 days of the notice, DES shall disqualify the notification.
3. DES did not receive the requested additional information within the 20 days and therefore the notification has been disqualified.

**CSPA PERMIT**

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**2009-00024                      FOSTER, ROBERT & SUSAN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Impact 218 sq ft for the purpose of replacing and expanding an existing deck.

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APPROVE PERMIT:

Impact 218 sq ft for the purpose of replacing and expanding an existing deck.

With Conditions:

1. All work shall be in accordance with plans by Robert Foster dated January 2, 2009 and received by the Department of Environmental Services ("DES") on January 7, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 9.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00050                      COLEMAN, SUSAN**  
**HARRISVILLE   Russell Reservoir**

Requested Action:

Impact 9,260 sq ft for the purpose of constructing a single family dwelling, shed, pathway, expanding an existing driveway and installing a septic system.



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**APPROVE PERMIT:**

Impact 9,260 sq ft for the purpose of constructing a single family dwelling, shed, pathway, expanding an existing driveway and installing a septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Forest Designs dated June 4, 2009 and received by the Department of Environmental Services ("DES") on February 25, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 9.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 23,302 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,651 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00128                      TRANSCANADA HYDRO NORTHEAST INC, TIM DONELON  
LITTLETON   Connecticut River**

**Requested Action:**

Impact 4,074 sq ft for the purpose of constructing additional crushed gravel parking space adjacent to the existing parking lot.

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**APPROVE PERMIT:**

Impact 4,074 sq ft for the purpose of constructing additional crushed gravel parking space adjacent to the existing parking lot.

**With Conditions:**

1. All work shall be in accordance with plans by The Louis Berger Group, Inc. dated September 15, 2008 and received by the Department of Environmental Services ("DES") on January 26, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. No more than 0.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 5,577,083 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,788,677.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00249                      ST PAULS SCHOOL**  
**CONCORD   Turkey River**

Requested Action:

Impact 1,795 sq ft to install gas main.

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APPROVE PERMIT:

Impact 1,795 sq ft to install gas main.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated December 2009 and received by the Department of Environmental Services ("DES") on February 12, 2009.
2. No additional areas of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This project as proposed will have no alteration of the impervious footprint, all impacts will be temporary, and will not increase impervious surfaces. Therefore, this project will be approved as a Shoreland Permit.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. All temporary impact areas shall be regraded to original contours and appropriately stabilized following the completion of work.

With Findings:

1. There will be no increase in impervious surfaces as all impacts associated with the project are temporary.

**2009-00333                      LECCESE, JOHN & JUDITH**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 815 sq ft for the purpose of installing a state approved septic system on a lot with a pre-existing single family dwelling.

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APPROVE PERMIT:

Impact 815 sq ft for the purpose of installing a state approved septic system on a lot with a pre-existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources dated November 28, 2008 and received by the Department of Environmental Services ("DES") on February 26, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any wetland impacts associated with the completion of the proposed project will require a Wetlands permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 9.75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 1600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1100 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00334                      ANTRIM, TOWN OF**  
**ANTRIM   North Branch River**

Requested Action:

Impact 800 sq ft for the purpose of replacing an existing 44 foot deficient steel I-beam bridge and converting a 855 sq ft section of an existing gravel road to pavement.

\*\*\*\*\*

APPROVE PERMIT:

Impact 800 sq ft for the purpose of replacing an existing 44 foot deficient steel I-beam bridge and converting a 855 sq ft section of an existing gravel road to pavement.

With Conditions:

1. All work shall be in accordance with plans by Quantum Construction Consultants, LLC dated January 29, 2009 and received by the Department of Environmental Services ("DES") on February 26, 2009.
2. Any wetlands impacts associated with the completion of the proposed project will require a wetlands permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00337                      CAPTELL, RAYMOND**  
**WINDHAM   Canobie Lake**

Requested Action:

Impact 3000 sq ft for the purpose of constructing a driveway through an exiting lawn using pervious technology.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3000 sq ft for the purpose of constructing a driveway through an exiting lawn using pervious technology.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership Inc. dated February 20, 2009 and received by the Department of Environmental Services ("DES") on February 27, 2009.
2. No more than 29.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/WAIVER**

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**2008-02238                      BACHELOR, EDWIN**  
**CENTER BARNSTEAD   Locke Lake**

Requested Action:

Impact 126 sq ft for the purpose of expanding an existing non-conforming primary structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 126 sq ft for the purpose of expanding an existing non-conforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Edwin C. Bachelor, dated September 24, 2008 and received by the Department of Environmental Services ("DES") on October 17, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 14.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 9,874 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Locke Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to enhance the waterfront buffer with native vegetation.
4. The applicant has proposed to install stormwater controls consisting of dry wells on either side of the dwelling.
5. The applicant has proposed to enhance the waterfront buffer and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-02479

WEISS, JAY

WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 2,500 sq ft for the purpose of expanding an existing non-conforming primary structure.

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APPROVE PERMIT:

Impact 2,500 sq ft for the purpose of expanding an existing non-conforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates, dated September 19, 2008 and received by the Department of Environmental Services ("DES") on November 14, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. No areas currently in an unaltered state may be disturbed by this project. All of the remaining 3,248 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V,(b),(2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall total impervious area of the lot within the protected shoreland by 248 sq ft.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 1 foot wide infiltration trenches under the driplines of the proposed structure.
5. The applicant has proposed to install stormwater controls and reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

Requested Action:

Correct Shoreland Permit to reflect correct total proposed area of impervious area and total area of disturbance.

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APPROVE AMENDMENT:

Impact 9,800 sq ft for the purposes of expanding an existing nonconforming primary structure and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b)(2) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

Correct Conditions to Read:

1. All work shall be in accordance with plans by Ames Associates dated November 13, 2008 and received by the Department of Environmental Services ("DES") on December 1, 2008.
2. This approval includes a waiver of RSA 483-B:9, II, (b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 38.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,155 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,357 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that is comprised of greater than 30% impervious surfaces within the area of the lot located within the protected shoreland and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1)
3. In accordance with RSA 483-B:11, I, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed replace 240 sq ft of the existing impermeable driveway with permeable technologies.

5. The applicant has proposed to decrease the size of the existing driveway and increase the quantity of vegetation within the natural woodland buffer as well as install 1' deep by 2' wide infiltration trenches on the northerly and easterly sides of the dwelling to better handle stormwater runoff.
6. The applicant has proposed to reduce the quantity of impervious area of the lot within the protected shoreland from 42.3% to 38.3%.
7. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback from the reference line.
8. The applicant has proposed to install stormwater controls, install a new septic system, and decrease the total amount of impervious surface coverage of the lot within the protected shoreland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-00004                      DEBYLE, THOMAS**  
**WINDHAM   Cobbett's Pond**

Requested Action:

Impact 720 sq ft for the purpose of raising an existing seasonal cottage and adding a frost wall.

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APPROVE PERMIT:

Impact 720 sq ft for the purpose of raising an existing seasonal cottage and adding a frost wall.

With Conditions:

1. All work shall be in accordance with plans by R & C Contracting dated November 9, 2008 and received by the Department of Environmental Services ("DES") on January 2, 2009.
2. No more than 43% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 775 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No additional area within the Natural Woodland Buffer beyond the primary building setback may be altered.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

**2009-00057                      SMITH, SHARON/THOMAS**  
**WAKEFIELD   Pine River Pond**



Requested Action:

Impact 1,610 sq ft for the purposes of expanding an existing non-conforming primary structure and adding a deck.

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APPROVE PERMIT:

Impact 1,610 sq ft for the purposes of expanding an existing non-conforming primary structure and adding a deck.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Todd Wallace, Dube Plus Construction, dated December 31, 2008 and received by the Department of Environmental Services ("DES") on January 13, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. The project as proposed will leave approximately 7,154 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,154 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Pine River Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to reduce the overall impervious surface coverage of the lot within the protected shoreland by 3% by converting 1,456 sq ft of an existing impervious gravel driveway to natural, native vegetation.

4. The applicant has proposed to install stormwater controls in the from of native vegetation under the drip-line of the proposed structure.
5. The applicant has proposed to enhance the waterfront buffer by restoring 1,250 sq ft of previously impervious area with native vegetation..
6. The applicant has proposed to replace an exsiting wastewater system with a new NH DES Subsurface Bureau approved wastewater treatment system.
7. The applicant has proposed to decrease the overall total impervious surface coverage within the protected shoreland, install stormwater controls, restore 1,250 sq ft of the waterfront buffer, install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

v

**2009-00199                      MCAULIFFE, JIM**  
**ACWORTH   Crescent Lake**

**Requested Action:**

Impact 186.4 sq ft to construct a one-story addition to an existing non-conforming structure.

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**APPROVE PERMIT:**

Impact 186.4 sq ft to construct a one-story addition to an existing non-conforming structure.

**WAIVER APPROVED:** RSA 483-B:9,II, is waived to allow modifications to a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by Natural Resource Consulting Services dated January 29, 2009 and received by the Department of Environmental Services ("DES") on March 12, 2009.
2. This approval includes a waiver of RSA 483-B:9,II, and, therefore, shall not be effective until it has been recorded at the Sullivan County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 4,628 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,252 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. There will be no disturbances of areas currently in an unaltered state associated with the completion of this project.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in no overall increase in impervious surfaces.
4. The applicant has proposed not to increase impervious surfaces, installation of gutters on the addition, and install an infiltration

trench, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.